

IX.—*The Second Legislature of Upper Canada.—1796-1800.*<sup>1</sup>

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(Communicated by W. Wilfred Campbell and read May 19, 1903).

The fifth and last session of the First Legislature of Upper Canada began at Newark (Niagara), on the 16th of May, 1796, and closed on the 3rd of June. The four years' life provided by the Constitutional Act was thus filled, as the first election took place in August, 1792. Mr. D. W. Smith, in his record of offices, published in my paper of last year, gives 18th August, 1796, as the date of his election; we therefore conclude that the general elections were held in August, just four years after the holding of the first.

Lt.-Governor Simcoe and his advisers had well understood that the evacuation of Fort Niagara by British troops was only a question of time and mutual arrangement and therefore the holding of the Parliament at Newark was but a temporary convenience. The permanent location of the capital therefore was of deep concern and Simcoe's travels through the province were doubtless in great measure for the purpose of selecting points advantageous for towns and government works. The general scheme that he had in view would appear to have been that Kingston, Chatham, Penetanguishene and York were to be naval bases and that the capital should be located in the interior. We are told that he had set his heart upon a site at the Forks of the Thames where a town to be royally named Georgina should arise, to become in time the seat of government. The Governor-General of Canada, Lord Dorchester, did not see eye to eye in all things with Lt.-Governor Simcoe. At length, however, in 1796, the forts were to be handed over to the United States, and hence the importance of moving the capital from Newark. The lands on the north shore were purchased from the Indians in 1787, and in 1788, Mr. Aitkin laid out a town-plot near Fort Toronto, in accordance with instructions from Surveyor-General John Collins. In 1792, Simcoe determined upon York as the name of the county from Durham west, and he gave the name York to the harbour on August 27, 1793.

Simcoe had a very favourable opinion of York, for on a promontory overlooking the valley of the Don he built his rustic house called Castle

<sup>1</sup> This is the second of a series of papers on the Legislature of Upper Canada. The first dealing with the origination of the Legislature and the members of the first Legislature 1792-1796, appeared in the Transactions of the Royal Society of Canada published last year.—C. C. James.

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Frank and here he spent the summers of 1794 and 1795. The U. C. *Gazette* of July, 1794, has an advertisement calling for carpenters for buildings at York, whether for legislative purposes or for barracks for the Queen's Rangers, we cannot say. The elections were held in August, and soon after, on 11th September, Simcoe obtained leave of absence. The announcement was made that Peter Russell, Esq., the senior member of the Executive Council, had been appointed administrator under the title of President. This office he filled till 1799, when he was succeeded by Hon. Peter Hunter as Lieut.-Governor. In August, of that year, the latter arrived at York on the Government vessel "The Speedy." In addition to being Lieut.-Governor of Upper Canada, he was Commander-in-Chief of the King's forces in Canada, which necessitated frequent trips to Quebec.

The following are the dates of the four sessions of the second Legislature:—

- 1st Session, 16th May to 3rd July, 1797.
- 2nd " 5th June to 5th July, 1798.
- 3rd " 5th June to 29th June, 1799.
- 4th " 2nd June to 4th July, 1800.

All these sessions were held at York. I have seen the statement that the third was held at Newark, but the minutes of both the Assembly and the Council bear date at York. The records of the first session are not obtainable. Typewritten copies of the 2nd, 3rd and 4th are available for reference in the Legislative Library, Toronto.

It may be interesting to give the list of returning officers for the second general election:—

- Eastern District .... ..Cornelius Munro.
- Leeds and Frontenac, Ontario and Addington, Prince Edward and Adolphustown..Poole England.
- Lenox, Hastings and Northumberland .. ....B. Crawford.
- 2nd, 3rd and 4th Lincolns and Counties of Durham and York.. .....Half pay officer to be recommended by Beasley.
- Suffolk, Essex and Kent.. ....Richard Pollard.

The constituencies remained the same as had been fixed by Simcoe's Proclamation of July, 1792. By it the nineteen counties were arranged to elect sixteen representatives and I propose now to give a few notes as to these sixteen members.

*Glengarry.*—The two brothers, Hugh Macdonell and John Macdonell, had been selected as representatives of the first and second ridings of Glengarry in the First Legislative Assembly. Col. John Macdonell had been Speaker. On the 9th of June, 1798, Col. John Macdonell was sworn in as one of the members for Glengarry, and took his

seat. We thus see that he took his seat at the second session, and a number of questions arise: Was he elected at the time of holding the general elections in August, 1796, and unable to take his seat during the first session? or was some one else elected and the seat vacated through death or by order of the House? The probability is that he was re-elected at the time of the general election, but unable to appear at the first session. Who was the other member for Glengarry, successor to Hugh Macdonell? In the list of members present during the 2nd, 3rd and 4th sessions we find this name continually recurring, Capt. Wilkinson. There were many other members who were military officers, retired officers, but they are not often designated by military title. The conclusion I arrive at is that the Capt. Wilkinson referred to was a captain in active service at the time. We turn to J. A. Macdonell's History of Glengarry, and there find a list of officers of the Glengarry Militia Regiment in 1803, and as captain appears Richard Wilkinson. John Macdonell was colonel and his brother Hugh Macdonell lieutenant-colonel of this same regiment. My conclusion then is that Capt. Richard Wilkinson was the member for 1st Glengarry. On the old McNiff map of 1st November, 1786, showing the first settlers, R. Wilkinson, is located on lot 21 of the first concession of Charlottenburg. He was also credited with lots 18 and 19 and the half of lots 17 and 20 in the second concession. The first named lot probably locates his early residence. In the year 1804, Walter Butler Wilkinson was elected as one of the members for Glengarry and Prescott for the Fourth Parliament.

In the year 1800, a bill was introduced into the Legislature for the relief of Hugh Macdonell, "late adjutant-general of the militia." This refers to Capt. Wilkinson's predecessor and the fact of his filling this office referred to may explain why he was not returned a second time as member for first Glengarry.

*Dundas.*—Col. Thomas Fraser was chosen member for Dundas. He was born in Scotland and came to America. He enlisted first in McAlpine's Corps in which he served as lieutenant. This corps suffered severe loss in Burgoyne's campaign along with Peters' Corps and Jessup's. After the scattered remnants were collected, he joined the Loyal Rangers, commanded by Major Edward Jessup, and was appointed captain of the 10th Company, 22nd June, 1782. He served six and a half years during the war. At the close of the war, the men and officers drew lands in Grenville county. He lived just below Cardinal on the river front near the county boundary line. His record before enlisting is thus entered. "A farmer of property in the Province of New York, lost by the Rebellion." He died in 1821, at which time he must have been well advanced in years. He served through only one parliament,

his successor in the 3rd House being Jacob Weager, one of the Palatine German Loyalists. Mr. A. C. Casselman has called my attention to the fact that his case was that of a non-resident representative. Dundas was settled by Germans. Thomas Fraser lived in Edwardsburgh, on the western limits of Matilda, or just across the line, and his selection was doubtless due largely to the fact that he was a military officer. The Germans served as privates in the 1st Battalion of Sir John Johnson's Royal N. Y. Regiment. Two of their officers had settled in Dundas county, namely Captains Richard Duncan and John Munro. In the year 1788 or 1789 the former was made judge of the Mecklenburg (Eastern) district, and both had been called to the Legislative Council by Lt.-Governor Simcoe, John Munro, on the 17th September, 1792, and Richard Duncan on the 17th June, 1793. Their two leading officers thereby being out of reach, the electors of Dundas felt called to seek a representative military officer outside of their two townships, and so they selected Capt. Thomas Fraser in 1796. Their representative in the first House, Lt. Alexander Campbell was also a non-resident. However, since 1800, the Germans of Dundas have sent many of their descendants as representatives to the legislature.

There were many Frasers among the settlers of the Eastern or Lunenburg district. The U. E. L. list carries the names of no less than 27 Frasers, six bearing the name Thomas, and eight that of William. Capt. Thomas Fraser, of Edwardsburgh, was the member of the legislature. Capt. William Fraser, his brother, also of Jessup's Loyal Rangers, is entered as having residence in the eastern district. Their father, William Fraser, Sr., is also on the list and was living as late as 1786, and probably in 1789, when the list was made up. Some of the Frasers located in the Bay of Quinte district, and it is a fair inference that those that had served in Jessup's Corps were from the same section of New York as Capts. Thomas and William, and were probably relatives. Judge Pringle in his "Lunenburg," states that Capt. Fraser in 1788, purchased a farm at his own expense for \$100, and located upon it a Mr. Clark who had been teaching for two years in the Bay of Quinte district. This Mr. Clark taught the first school in the Fraser district in a log building erected by the settlers. The author does not state which of the two brothers thus early interested himself in the education of the section.

*Stormont.*—Robert Isaac Dey Gray was elected, and he was also appointed the first solicitor-general for Upper Canada. He was the son of James Gray, major of the First Battalion of the King's Royal Regiment of New York. The father settled near Cornwall at what is known as Gray's Creek. He was born in Scotland, and served in the British

Army for 26 years. James Gray died 11th May, 1796, aged 64, and his wife Elizabeth Gray, died 14th February, 1800, aged 63. They are both buried at Cornwall. The address issued by Robert I. D. Gray to his constituents may be found in Judge Pringle's "Lunenburgh," page 258. It is dated August 3, 1796, and is addressed "To the Free and Independent Electors of the Township of Cornwall and Osnabruck and of the County of Stormont." Col. Clarke, of Niagara, in his memoirs refers to Solicitor-General Gray as being the chief promoter of the bill against slavery. He was one of the charter members of the Law Society of Upper Canada (1797), the first name on the list being that of John White, the first attorney-general, and the second that of Robert Isaac Dey Gray, the first solicitor-general. These two were also chosen Benchers of the Law Society on the 9th November, 1799, (approved 16th January, 1800), and Mr. Gray was treasurer from 1798 to 1801. He was re-elected as member of the third legislature, being chosen for the new constituency of Stormont and Russell in 1800. The election for the fourth legislature was held in 1804, and he was again elected, but he met his fate soon after in that year, being one of the victims in the memorable loss of "The Speedy." His successor as member for Stormont and also as solicitor-general was Mr. D'Arcy Boulton.

When John White, the attorney-general was killed in a duel, January, 1800, he was succeeded by Thomas Scott. The reason why Solicitor-General Gray was not promoted to this position was that it was considered that he was too young.

*Grenville.*—As already stated Jessup's Loyal Rangers were settled in Edwardsburgh and Augusta, the two townships of Grenville, Colonel Edward Jessup being the leading man of the county. The first American Jessup was Edward, who came from England. His son Joseph died at Montreal in 1779. Joseph's son Edward was born in Stamford, Fairfield county, Connecticut, in 1735. This member of the third generation was evidently a man of influence. He resided at Albany and had at his disposal a large tract north of Albany known as Jessup's Patent. There may be seen on the large map, at the end of Vol. I. of O'Callaghan's Documentary History of New York, two blocks of land bearing the name "E. Jessup & Co.," lying west and southwest of Fort George. This will locate the section of the state in which the Jessups recruited. Fort Edward was near by, the home of Dr. Solomon Jones and his brothers; Saratoga was a little further south; while east of Saratoga was the Cambridge settlement of Irish Palatines whence he drew some members, among whom may be mentioned Lt. John Dulmage. On the U. E. L. list we find Edward Jessup, Esq., major commandant; his son, Edward Jessup; his brother, Capt. Joseph Jessup, and Henry

Jessup. Among the provincial corps organized early in the war were those of Peters, Jessup, and McAlpine. In 1781, after the failure of the Burgoyne expedition, the provincials were reorganized and the corps known as the Loyal Rangers was formed. Major Edward Jessup was given the command. The list of captains was as follows: Ebenezer Jessup, John Peters, Justus Sherwood, Jonathan Jones, William Fraser, John Jones, Peter Drummond, John W. Meyers and Thomas Fraser. The lieutenants were Guisbert Sharp, Henry Simmond, David Jones, James Parrott, Alexander Campbell, David McFall, John Dulmage, Gershom French, Gideon Adams, John Ritter, James Robins, Edward Jessup; ensigns, John Dusenburg, John Peters, Elijah Bolton, Thomas Sherwood, Thomas Mann. Harmonius Best, William Lawson, Conrad Best; adjutant, Matthew Thompson; quarter-master, John Ferguson; surgeon, George Smith, and surgeon's mate, Solomon Jones. A few of these settled in the Bay of Quinté district, most of them in Grenville. Four of the above became members of the legislature. The list is an important one, containing as it does the progenitors of a large number of the most important families of the two sections.

Major Edward Jessup settled on lands in the 1st concession of Augusta, and on his property the town of Prescott was begun. His son, Lieut. Edward Jessup, of the Loyal Rangers, was born at Albany and settled beside his father at what is now Prescott. It was the younger Edward who was elected as member for Grenville in the second legislature. In 1800, on his retirement from this position, he was appointed clerk of the peace for Johnstown district. In 1809, he became lieut.-colonel of the First Regiment of Leeds militia. He died at Prescott in 1815. His father died at the same place, February, 1816.

Edward Jessup, sr., has the distinction of being one of the persons mentioned in the New York Confiscation Act passed 22nd October, 1799, "An Act for the Forfeiture and Sale of the Estates of Persons who have adhered to the enemies of this State, etc."

In the list appear the following: "Robert Leake, Edward Jessup and Ebenezer Jessup, now or late of the said county (Albany), gentlemen."

Robert Leake was major of Sir John Johnson's 2nd Battalion, and Edward Jessup was organizer and commander of Jessup's Corps and the Loyal Rangers.

*Leeds and Frontenac.*—In the first legislature Ephraim Jones had been member for Grenville. In the second House appears Dr. Solomon Jones, a member of another family, as representative for Leeds and Frontenac. Solomon had been surgeon's mate in Jessup's Loyal Rangers. He was born in Connecticut, and, after studying for his profession

at Albany, had settled with his family in the upper part of the state near Fort Edward on the Hudson. This was Jessup's recruiting ground. The Ephraim Jones family came to Canada via Massachusetts. Solomon and no less than six brothers appear to have enlisted in the Loyalists Corps. Two were killed, one went to Nova Scotia, and four, John, Solomon, David and Daniel, came to Upper Canada. The story of Jane McCrae, who was shot near Fort Edward, comes in as part of the history of this Jones family, for Solomon's brother, David, was her intended husband. Sir Daniel Jones, the first native of Upper Canada to be knighted, was a son of Daniel, the brother of Dr. Solomon Jones. It seems somewhat strange that the member elected for the riding of which Kingston must have formed an important part should have been chosen from the extreme eastern section; but the fact of Solomon Jones being a medical doctor with an extensive practice along the river may be an explanation.

*Lennox, Hastings and Northumberland.*—After the Bourgoyne failure, the 2nd Battalion of the King's Royal Regiment of New York was formed. Sir John Johnson was Lt.-col. commandant of the regiment. James Gray, father of Robert Isaac Dey Gray (see Stormont) was major of the 1st Battalion, and Robert Leake, major of the 2nd. Some of the other officers might be mentioned. In the 1st Battalion: Captains, John Munro, Richard Duncan, Hugh Macdonell, Jacob Farrand, Samuel Anderson, Hugh Munro. In the 2nd Battalion: Captains, George Singleton and William Crawford; lieutenants, Jeremiah French and Hazleton Spencer; and ensign, Timothy Thompson. The 1st Battalion was settled on the St. Lawrence; the 2nd on the Bay of Quinté. The officers named above will all be recognized as leading citizens of the two districts. Hugh Macdonell, Jeremiah French and Hazleton Spencer were elected members of the first legislature. Richard Duncan and Samuel Anderson were appointed among the first judges. John Munro was a legislative councillor. Ensign Timothy Thompson succeeded Hazleton Spencer as the member for Lennox, Hastings and Northumberland in the second legislature. On the list in the Canadian Archives he is returned as having been born in America, served three years, and occupation before the war "private gentleman."

The following sketch of Timothy Thompson was prepared for the author of this paper by the late Mr. Thomas W. Casey, of Napanee. In this sketch he is stated to have married the widow of William Fraser. This William Fraser had been adjutant in the 1st Battalion of the King's Royal Regiment of N.Y., was born in Scotland and served ten years, seven of which were in the 34th Regiment.

So far as I have yet ascertained, Timothy Thompson, a retired officer, under pension allowance, came to South Fredericksburgh at an

early time (the exact date I have not ascertained) and settled on a farm near Conway, P.O., on the Bay of Quinté shore, a couple of lots west of the farm owned by Rev. Robert McDowall, Presbyterian missionary. He was a member of the Church of England, St. Paul's church, Fredericksburgh, and lies buried in the Presbyterian burying-ground just opposite, in a plot near by Rev. Mr. McDowall and family. He was married in St. John church, Bath, by Rev. John Langhorn, February 6th, 1791, to Elizabeth Fraser, widow of the late William Fraser, both of Third Town (see Ontario Historical Society Papers and Records, Vol. 1, page 17). They had no children. He was not married before and therefore left no children.

Mrs. Fraser, his wife, had three daughters, whom he appears to have treated as his own family.

(1) The oldest married John G. Clute, of the same locality, who was a prominent business man then and who lies buried near, beside Thompson. Some of his children are still living. The oldest, Mrs. Murdoch, now of Kingston, is past 90 years, but remembers a good deal. Another, David Clute, Sillville, P.O., and his sister, Margaret, who never married, also remember a good deal.

(2) Another daughter married James McNabb, M.P.P., of Belleville; a son of theirs was accidentally killed in 1837, mention of which is made in Canniff's History.

(3) Another married — Symons for her first husband; then James Carpenter, of Toronto. Some of the family live there yet.

Timothy Thompson, Mr. Clute says, was several times elected to parliament. One of his opponents was James Mordoff, a resident of Fredericksburgh, whose name appears several times among baptisms and marriages in Langhorn's records. The elections then were held near Thompson's own place, though he did not keep a public house himself, yet, kept "open house" during the several days of these elections, according to the custom then.

Mr. Clute has yet a box on which is painted "Ensign Thompson." Fraser was Scotch and wore his kilties, and he thinks Thompson was also Scotch.

Thompson had a number of negroes, who did all the work and who lived in cabins near by. His widow lived years after him, and the older inhabitants of the locality remember her quite well.

Ellen Clute, a grand-daughter of Thompson's, lived with them, and was adopted as his child. She was made his heir, and there was bequeathed to her the farm. She sold it to Solomon Wright, Esq., where he lived and died, and it is now owned and occupied by his son, Edward Wright. He also willed other lands he then owned or laid claim to. These included a large gore between 1st and 2nd concessions, abutting



across a number of farms of 2nd concession. It is said he got a quit claim deed from government when in parliament. Ellen Clute married Dr. J. B. Ham, a son of Henry Ham. He first practised law in Kingston, with John A. Macdonald or in the same office, then studied medicine and moved to Whitby, where both he and his wife died. There was a long law suit about the gore or gores of land in which a number of Fredericksburgh families were interested, and they spent \$3,700 in that way but they held the land, which belongs to their farms till this day.

*Addington and Ontario.*—Upon the opening of the third session at York, 5th June, 1799, the clerk of the assembly, Mr. Angus Macdonell, read a letter addressed to Hon. D. W. Smith, speaker of the House of Assembly, dated 20th November, 1798, and signed by Robert I. D. Gray and Timothy Thompson, stating that “Christopher Robinson, late a member of the said house, serving as the knight of the shire for the county of Addington, died upon the second day of November.”

This locates the first member elected to the second house for Addington and Ontario, and gives us the date of his death, 2nd November, 1798.

This Christopher Robinson was the progenitor of the well-known Robinson family, in Upper Canada, and the name has been perpetuated in many well-known citizens of Toronto, where the first Christopher sat as member in 1797 and 1798. Through the Robinson family of Virginia, he traced back to a family in Yorkshire, England. He was born in 1764. He was an officer in the Queen’s Rangers during the revolutionary war and after first going to New Brunswick came to Upper Canada in 1792, doubtless through the influence of Simcoe, the old commander of the Queen’s Rangers. He was one of the charter members of the Law Society of Upper Canada (1797). This second legislature held two other charter members, Robert I. D. Gray and Timothy Thompson; and the clerk of the house, Mr. Angus Macdonell was also a member. The first six Benchers were John White, R. I. D. Gray, Walter Roe, Angus Macdonell, James Clark and Christopher Robinson.

In 1784, Mr. Robinson married Esther, daughter of Rev. John Sayre, formerly of Fairfield, Conn. The descendants are fully set forth in Mr. C. E. Chadwick’s “Ontarian families,” Vol. II, page 57. It might be well to mention that the three sons, Hon. Peter, Sir John Beverly and Hon. William Benjamin were prominent public men in Upper Canada, and the two daughters married D’Arcy Boulton and Stephen Heward, who filled important places. A sketch of the second son, Sir John Beverly Robinson, Bart., may be found in Mr. H. J. Morgan’s *Sketches of Celebrated Canadians*. It may be worth noticing that a grandson of the first Christopher is to-day in active practice, at present

engaged as counsel on the Alaskan Boundary Arbitration, Mr. Christopher Robinson, K.C. He is one of the few living grandchildren of the pioneer legislators of Upper Canada.

On the 12th of June, 1799, Messrs. Rogers and Jessup introduced William Fairfield, Esq., as the duly elected member in succession to Mr. Robinson according to the return of Poole England, Esq., returning officer. Wm. Fairfield, sr., is entered on the U. E. L. list as a "pensioner during the war." He was one of the pioneers of Ernestown. He was married before coming to Upper Canada, and nine children accompanied the parents, four of the sons being old enough to be recorded on the U. E. list in 1789. Three children were born in Upper Canada. It was therefore a numerous family, six boys and six girls, all of whom lived to be married. The descendants of William Fairfield, of Ernestown, are therefore a great host at the present day. In 1844, Lt.-Col. John Collins Clark prepared a sketch of the pioneer families of Ernestown and from it I have obtained the following list of the children of William and Abigail Fairfield:—

Archibald, married Mary Howland (from England.)

Mary, married, Ichabod Hawley.

William, married Miss Billings.

Benjamin, married Abigail Lockwood.

Jonathan, married Charity Cryder.

Stephen, married Maria Pruyne.

John, married Elizabeth Clapp (of Fredericksburgh).

Sabra, married William Wilcox (from Augusta).

Abigail, married Henry Ripson.

Clara, married Benjamin Brown (of Brownville, N. Y., brother of Gen. Jacob Brown).

Jennet, married, 1st, John Grashong; 2nd, Daniel Sheldon; 3rd, Arthur Aylesworth (of Hallowell).

Sarah, married Emmanuel Overfield.

William and Sabra Fairfield Wilcox had two children, John and Clara, the latter of whom became the wife of Marshall Spring Bidwell, the well-known representative of Lennox in later years.

*Prince Edward and Adolphustown.*—One of the memorial tablets on the walls of St. Albans, U. E. L. church, Adolphustown, bears this record:—

"Col. Jas. Rogers, of King's Rangers, died in Fredericksburgh, Sept., 1790, aged 63 years."

The U. E. list bears these three entries:—

"Col. James Rogers, Marysburgh and Sophiasburgh, major commandant."

“James Rogers, Marysburgh and Sophiasburgh, son of Major James, King’s Rangers.”

“David M. Rogers, Marysburgh and Sophiasburgh, son of Major James, King’s Rangers.”

Here we have the father, Major James Rogers, of the King’s Rangers, and his two sons. There were three daughters, Mary, the eldest, married John Armstrong, from Co. Clare, Ireland. He was for a time private secretary to Governor Simcoe. Their son, James Rogers Armstrong, was the representative for Prince Edward county in the Parliament of Upper Canada (1836), and among the descendants may be mentioned the wives of Rev. Egerton Ryerson, Hon. Wm. Macdougall and Hon. Justice Girouard (see Chadwick’s *Ontarian Families*, Vol. II., pp. 7, 8).

Mary Ann, the second daughter, married Col. John Peters, late sheriff of the Newcastle District, brother of the Bishop of Londonderry.

Margaret married Aaron Greeley, who came from New Hampshire. He was a cousin of Hon. Zaccheus Burnham, of Northumberland county. He erected the first mill at Brighton and there met his wife, as she was then living with her brother, David McGregor Rogers, who had moved west from Prince Edward county. Their daughter, Miss Susan Greeley is now living at Wicklow, Northumberland county, enjoying life at the fine old age of 97 years.

Major James Rogers lived on a farm in Fredericksburgh beside some of his retired King’s Rangers. As an officer he drew a large area of land, but most of this had to be selected elsewhere, principally in Prince Edward county. The son, David McGregor Rogers, lived for a time in this latter county and was chosen as representative in the second legislature.

A Scotch-Irish settlement had been formed in New Hampshire and the settlers brought across the sea the name for their new town, Londonderry. With them came their pastor, Rev. David McGregor. The two brothers, Robert and James, were members of this settlement, and the latter married Margaret, the daughter of the Presbyterian pastor, hence the name given to the son, who became the member of the U. C. legislature.

David McGregor Rogers married Sarah Playter, of Toronto, and had four children, two sons and two daughters. The full genealogical record of his family is set forth in Mr. Chadwick’s *Ontarian Families* (Vol. II., pp. 11 to 14). Lt.-Col. H. C. Rogers of Peterborough, Lt.-Col. R. Z. Rogers of Grafton, and Lt.-Col. J. Z. Rogers of Ashburnham are grandsons.

David McGregor Rogers after living some years in Prince Edward county, moved westward into Northumberland county, and finally settled at Grafton, the homestead of the latter place being now in the possession of his grandson, Lt.-Col. Robert Z. Rogers. After the second legislature the province was rearranged for representation and in subsequent parliaments the major represented these districts, of which Northumberland county formed a part. He sat continuously in the house from 1796 to 1824, with the exception of one parliament. He had taken an active part in the military affairs of Upper Canada before, during and even after the war of 1812-14. Having a claim against the province for supplies and equipment incurred through his being commissariat officer, he remained out of the house one parliament, 1816-1820, that he might effect a settlement. Up to the time of his death in 1824, he had sat as member for twenty years. He was the representative man of his district in many ways, judicial, political and civil. He was for some years engaged in superintending the location of settlers over a large area in the Midland district. He was registrar of deeds for the county and appears to have been a representative of his county in more than a political sense. He was born 23rd November 1772, and died 13th July, 1824.

The story of Robert Rogers and the Rogers' Rangers, and of James Rogers and the King's Rangers, may be found set forth in our histories of the Revolutionary War. The Transactions of the Royal Society of Canada for 1900-1901, Vol. VI., section II, contain an interesting paper on "Rogers, Ranger and Loyalist," by Walter Rogers, Esq., barrister of the Inner Temple, London, England, a great-grandson of David McGregor Rogers.

*Durham, York and First Lincoln.*—The following interesting sketch of Richard Beasley, member for Durham, York and First Lincoln in the second legislative assembly has been kindly contributed by Mr. H. L. Gardiner, of Hamilton:

"Richard Beasley was the patentee of lot six in the broken front and first concession of Barton, of lot 18 in the broken front and first and second concessions, of lot 19 in broken front and first, second and third concessions, and of lot 21 in broken front and first, second, third and fourth concessions, about 1,200 acres in this single township, two-thirds of it now in the city of Hamilton. Smith's 'Canada' mentions that 94,012 acres of the Indian lands on the Grand river were sold to Richard Beasley, James Wilson and John B. Rosseau for £8,887, that the purchase money of this tract had been paid up, and that 3,000 acres had been given to Mr. Beasley to make up a deficiency in the 94,012 acres before mentioned. Much of Mr. Beasley's land was located in Water-

loo township. Mr. J. H. Smith writes that about the year 1785 or 1786 Mr. Richard Beasley, who carried on quite an extensive trade with the Indians, laid claim to the land where Dundurn Park is now situated. He also pre-empted the adjoining property known as Beasley's Hollow, and afterwards erected a mill on the stream flowing into Coote's Paradise. On his monument in the churchyard at Christ's Church Cathedral, Hamilton, the following inscription is found:

“‘ In memory of Richard Beasley, Esquire, who departed this life on the 16th day of February, 1842, aged 80 years and seven months. The first settler at the Head of the Lake.’

“Mr. Beasley became a member of Barton lodge of freemasons in 1795, and in 1803 the lodge held its meetings in his house, which occupied part of the ground now included in Dundurn Park. J. Ross Robertson's "History of Freemasonry in Canada" says that "an early resident of Barton township, if not the first, was brother Richard Beasley, who was an Englishman by birth. Mrs. John Graves Simcoe knew Mr. Beasley, and made a number of sketches of Burlington Bay and Coote's Paradise. He was not only a mill owner, but storekeeper, and located in Barton township about 1794 or 1795. He traded with the Indians and kept a general store on what is now King street, Hamilton. Brother Richard Beasley was the W. M. of Barton lodge prior to 1810, and wrote a letter to R. W. Bro. Jarvis, dated March 22nd, 1802, concerning masonic and personal matters from which the following extract is taken:

With regard to your negro woman, she is certainly not worth as much as when you first purchased her; in the first place, she is older and will never make as good servant as what she had been, as she has adopted different ideas from what she formerly possessed. The female child you mentioned worth £30, New York currency, I do not want. I will give you for the negro woman £50, New York currency, if you owe that much to Barry estate shall settle it with your executors. I remain, dear sir, your very humble servant, Richard Beasley.

“Mr. Beasley's house and store were on the north side of King street, west of Ferguson avenue. The building was standing in 1860. It was built of hewn timbers covered with clap-boards. It stood about eight feet back from the present street line. He owned at the same time a house in Dundurn, and his descendants state that Richard Beasley moved to his house at Dundurn immediately after his arrival in Barton, and that his sons, Richard, George, David C., and Henry Beasley, were born in the house and that Henry (the father of Thomas Beasley, city clerk of Hamilton) was born in 1793. Without documentary evidence, it is believed that the first house of Richard Beasley,

the U. E. Loyalist, was at Dundurn, and that his elder sons were born on a house on this site. Thomas Beasley, city clerk; his son, Alexander C. Beasley, and two nephews, Thomas and Maitland Beasley, sons of the late Sylvester Beasley, are the only descendants of Richard Beasley now living in Hamilton, and none of the original property remains in the family."

*Second Lincoln.* Having settled the representation of 1st Lincoln we come to 2nd, 3rd and 4th Lincoln. With 4th Lincoln was included Norfolk. There are three members to be located, D. W. Smith, Samuel Street and Benjamin Hardison. As Capt. Benjamin Hardison lived at Fort Erie it is fair to assume that he represented 4th Lincoln and Norfolk. Samuel Street's brother lived at Niagara Falls, and was one of the most influential men of that section, and therefore we place him as representative of 3rd Lincoln. Second Lincoln, then, would be left for David William Smith. He had been a member of the first legislature. In my paper last year I attached his name to Kent along with William Macomb. After the paper was in printed pages I was fortunate in securing through Mr. Phileas Gagnon, of Quebec, an extract from *The Quebec Magazine* for December, 1792, containing a list of members, the first printed record as far as known of the members with their respective constituencies. In this list D. W. Smith appears as the member for Essex and Suffolk, while William Macomb and Francis Baby appear as members for Kent. I had based my location of Smith on an extract from a letter by Lt.-Governor Simcoe, in which he states that "Lieut. Smith, the son of Major Smith, who commanded for the last two years at Detroit," had been "elected by the inhabitants of that district into the Assembly." I assumed this settled his election at Detroit, but *The Quebec Magazine* made it very doubtful. Since the Addendum was made to my paper last year I have seen a copy of a very interesting letter by D. W. Smith, referring to the preparations for his election of August, 1792, in which Essex is referred to as the constituency. It would seem, therefore, that the names of Francis Baby and D. W. Smith, of my list published last year should be interchanged.

Mr. D. W. Smith, the surveyor general of lands for the province, with his head office at Newark, was elected on the 18th of August, 1796, as member for 2nd Lincoln. He was chosen speaker to succeed Col. John MacDonnell who was not in attendance at the first session. Mr. Smith was away from Canada when the fourth session opened and as he was not expected home in time, Samuel Street was elected speaker in his stead for the last session.

For further particulars as to the life of Mr. D. W. Smith, readers are referred to my previous paper.

*3rd Lincoln.*—Samuel Street was elected member for one of the Lincolns and I place him in the 3rd riding. The Street family genealogy may be found in Chadwick's "Ontarian Families," Vol. II., pp. 174-6. The family are there traced back to one Richard Street, who died in Somerset county, England in 1592. There appears always to have been a Samuel in the family and in the Niagara district or old Lincoln county, there were two Samuels that may be confused. Nathaniel Street, of Norwalk, Connc. (born, 1693; died, 1748), had a son Samuel (born, 1720), and the family of the latter consisted of four sons and four daughters. Nehemiah and Samuel were two of the sons. This latter Samuel was the member elected in 1796. The following is Mr. Chadwick's entry:—

"Samuel, born 2nd January, 1752 or 1753, came to Canada 1780 or 1781 (U. E. L.), was a trader at Fort Niagara, col. in the militia (of Canada), J.P., M.L.A., and sometime speaker of the Legislative Assembly; in March, 1784, married Phoebe, daughter of Peter Van Camp and had issue, a daughter Mary, married to John Usher."

Nehemiah the brother settled at Niagara Falls and carried on the business of fur trading and milling. He was succeeded in his business at the Falls by his son Samuel, nephew of the member. He was born the 14th March, 1775, and died 21st August, 1834. This younger Samuel was the progenitor of the Street family of Niagara Falls, among the descendants being Hon. Mr. Justice Street and Rev. Thomas Clark Street Macklem, provost of Trinity University, Toronto. Lt.-Col. Thomas Clark Street, son of Samuel Street, jr., represented Welland county in the Ontario Legislature, 1851-1854, and the latter's sister was the wife of Hon. Josiah Burr Plumb, sometime speaker of the Canadian Senate.

At the opening of the 4th session of the 2nd parliament, Mr. Samuel Street was elected speaker, in the absence of Hon. D. W. Smith. He was speaker for only one session as at the elections after the session Ralfe Clench and Isaac Swazey were returned as the two members for the united ridings 2nd, 3rd and 4th Lincoln.

*4th Lincoln and Norfolk.*—Capt. Benjamin Hardison, of Fort Erie, was a member of the second parliament, and I attach his name to the united ridings of 4th Lincoln and Norfolk. Lt.-Col. Ernest Cruikshank has directed my attention to the following notes as to his connection with the war of 1812-14, as set forth in "The Documentary History of the Campaigns on the Niagara Frontier."

On the 17th June, 1812, Benjamin Hardison and three others, wrote to the *Buffalo Gazette*, referring to the understanding that Black Rock and Fort Erie were to observe a neutrality towards each other, and calling attention to the fact that recently musket balls have been fired from the American side.

Buffalo, 28th July, 1812: "The British have erected another breastwork in a circular form on the hill near Capt. Hardison's opposite Black Rock. A number of soldiers are stationed behind it."

Buffalo, 1st December, 1812: "Between 9 and 10 o'clock, three sailors embarked in a boat, passed over to the enemy's shore and set fire to the dwelling house of B. Hardison and to the house and store of Mr. Douglas, which were consumed."

Lt.-Col. Cruikshank has lately interviewed Capt. Hardison's daughter, Mrs. Martha Ann Stanton, who is still living at Fort Erie, aged 86. She states that her father was twenty years older than her mother, who was born in 1781. Her mother was his second wife. He was born, therefore, in 1761. He died about 1823, and is buried on his farm at Fort Erie. The Massachusetts War Records contain the following entry:—

"Benjamin Hardison, private in Capt. Moye's Company, Col. Phinney's regular Massachusetts troops, taken prisoner and held captive in Canada until close of the War."

He was born at Berwick, then in Massachusetts, now in the State of Maine. Mrs. Stanton states that he was an usher to the first Provincial Legislature, Samuel Street being another, and she has a silver knee buckle set with Irish diamonds, which is believed to have been part of his official costume.

Capt. Hardison is the only member of the early Legislature who had fought on the United States side—perhaps his withdrawal from the fighting through his capture and the treatment received while in Canada may have changed his views. He was but a youth at the time. We shall probably never know the reason for his settling at Fort Erie and becoming a loyal Britisher. It is also worth noting that there is still living in 1903 the daughter of one who was employed in the First Legislature of Upper Canada in 1792 to 1796, and who was a member of the Second House one hundred and seven years ago.

*Kent.*—As in the first parliament, Kent sent two representatives elected jointly by the whole county, not by two ridings of the county as in the case of Glengarry. As stated in the previous paper, Kent county included all left over from the other counties north and west as far as the Indian lands. The southern boundary was a line running east from Maisonville's mill to the Thames. The county included,



therefore, a narrow strip running east from the Detroit along the south shore of Lake St. Clair. This line would begin about where the town of Sandwich now is. Detroit was in the hands of the British up to 1796, and, therefore, it was the headquarters for the first election. This post was evacuated in July and the elections took place in August. The British citizens had removed to Amherstburg and Sandwich. The second general election was doubtless held at Sandwich, and the two representatives chosen were Thomas Smith and Thomas McKee.

Thomas Smith followed the same profession as David William Smith, he was a land surveyor, but the two were not related as far as known. Among the records we find this statement: "Thomas Smith, loyalist, came into Niagara in 1776, with a plan of Fort Stanwix and Intelligence." He settled at Detroit, and in 1789 and 1790 was Secretary to the Hesse Land Board.

In 1790, for some reason, he was displaced as secretary, and was succeeded by D. W. Smith, son of the chairman, Captain John Smith, who was commander of the Detroit forces at the time. In a letter dated 1790, he is referred to as clerk of the court of the District of Hesse, and in 1789 was acting deputy surveyor. That he was a member for Kent in 1797 is proven by the fact that in that year the land board sitting at Newark (Nassau or Home district), had under consideration the petition of Thomas Smith, member for Kent (see Michigan Pioneer and Historical Society, Publications, Vol. XXV, pp. 142, 148). In this petition it is stated that from July, 1776 to April, 1777, he served as a captain in the Indian department. Resigned and served in militia department at Detroit as second in command under Col. McGregor. For two years he was secretary to the land board at Detroit; clerk to His Majesty's Court for three years; employed two and a half years in assisting settlers; served 16th August, 1794 to December 14th, against Wayne. He lost much property. Six hundred acres were granted to his wife as the wife of a member of parliament.

The following letter dated October, 1788, was written by William Robertson, Esquire, to the Chief Justice of Quebec, and supplies some additional information as to Thomas Smith. Mr. Robertson requests to have him appointed a notary for Hesse:

"For this purpose Mr. Thomas Smith has been mentioned with approbation. He is a lieutenant in the militia, acting for the present as deputy surveyor, but without pay or commission, as there is nobody else; has been very judiciously nominated clerk of the Court of Common Pleas there; and from his education and knowledge of the two

languages, and an opinion and confidence the people have of his principles and integrity, I presume his appointment as notary would be satisfactory for these reasons, to which may be added that he is not likely to change his residence or leave the place, being married and settled."

The first three judges of the Court of Common Pleas for the District of Hesse (1788), were Jacques Duperon Baby, Alexander McKee and William Robertson.

Mr. C. M. Burton, of Detroit, has kindly furnished me with some notes as to Thomas Smith.

Finding the surveying business dull, he entered into an agreement with John Askin to carry on business as a trader—an adventure they called it—and he was at Miamis for several years. Some years after 1796, he resided in Detroit, and acted as surveyor. He made a map of Detroit in 1796 and at one time got a large land grant on the U. S. side of the line. A daughter of Thos. Smith married John McDonnell of Detroit, a well-to-do citizen, who at one time made quite a stir in an international dispute. Many of the early western surveys bear Thomas Smith's name. A very interesting map of Sombra township made in 1820 testifies to the neatness of his work. He was a native of Wales and died at Sandwich on the 3rd of March, 1833, aged 79 years.

Thomas McKee the other member for Kent, was a son of Col. Alexander McKee who had been Indian agent at Pittsburg before the Revolutionary War. He was one of the efficient western leaders of Indian forces during the war. He was of Irish birth. After the war he settled on the Detroit river. Thomas McKee, the son, married Therese Askin, the daughter of John Askin, governor of Micilimacinae. The Askins were an Irish branch of the Scottish Erskine family. Alexander McKee, as before stated, was one of the first three judges of the Court of Common Pleas for the District of Hesse. From 1788 to 1796 this court held sessions at Detroit. He was for a time deputy superintendent general of Indian Affairs; Sir John Johnson, with headquarters at Montreal, being superintendent general. Col. McKee died after a short illness on the 14th January, 1799, and was succeeded by Col. Daniel Claus. Thomas McKee who died recently at Sandwich holding the office of registrar of the County of Essex was grandson of Thomas McKee, the member for Kent, elected in 1796. His son William James McKee, of Windsor, represented North Essex in the Legislature of Ontario from 1896 to 1902. Both Col. Alexander McKee and Col. Thomas McKee were influential men among the western Indians and their names are to be found on many of the impor-

tant treaties and land surrenders. For many years he was one of the Indian superintendents. Thomas McKee was one of the members for Essex in the 3rd parliament and was succeeded in the 4th by David Cowan. Though elected at the general elections of August, 1796, he did not take his seat until 1800, being introduced and sworn in as member at the opening of the fourth session. The succession from the first to the last McKee mentioned in this paper is interesting:—

Col. Alexander McKee—Thomas McKee (member 1796)—Alexander McKee—Alexander McKee—Thomas McKee (registrar)—Thomas Alexander McKee and William James McKee (ex-M.P.P.). Thomas McKee, member of the second legislature died in 1815.

*Essex and Suffolk.*—David William Smith had represented these counties in the first legislature. Just before the first session (August, 1792) he had removed to Newark, and, as stated above, had changed his constituency in 1796, being elected for 3rd Lincoln, in which Newark was situated. This left a vacancy in the west. At the close of the Revolutionary War, Detroit was the chief centre of the western district. Across the Detroit river a French-Canadian settlement had gradually sprung up about the Indian church located at what is now the town of Sandwich. The Indians had granted to a half-dozen of their English-speaking leaders a large tract, now the township of Malden, but the dispute in connection with the ownership of this land was not settled until after the erection of Fort Amherstburg, in 1796, and the removal thither from Detroit of the military and naval headquarters.<sup>1</sup> A large number of loyalists had settled on a strip of land running east from Malden township along Lake Erie. Many of these were members of the disbanded Butler's Rangers. In 1787 Major Matthews, under orders from Lord Dorchester, laid out 97 long, narrow lots and confirmed the squatters in their rights. These formed the first lots of two townships, which, for many years, went by the name "The two connected townships." Their present names are Colchester and Gosfield. The lots were numbered from east to west. In the Government records this section from Kingsville to the eastern boundary of Malden is referred to as "The New Settlement." Lots 68, 69 and 70 were reserved for a town. Colchester village stands on these lots today.

Number 97 was occupied by John Cornwall, and he was the man who was elected in August, 1796, to represent Essex and Suffolk. In 1899 Mr. Thaddeus Smith wrote a pamphlet giving an historical sketch of Pelee Island with an account of the McCormick family. The Chippawa and Ottawa Indians in 1788 gave a lease of the island to Thomas

<sup>1</sup> See Early History of the Town of Amherstburg, by C. C. James. The Echo Printing Company, Amherstburg, 1902.

McKee for 999 years. In 1804 Thomas McKee leased the island to John Askin, and in 1815 Alexander McKee, son of Thomas, leased it to William McCormack. In 1823 full title was passed, and the island's history became part of the history of the McCormick family. William McCormick married Mary, the seventeen-year-old daughter of John Cornwall, in January, 1809, and in this way the sketch of the member under consideration comes into the story. John Cornwall was a native of Wales. He came to America about 1772 and settled in Connecticut. He joined the Loyalists and, after serving through the war, found himself at its close in the western district. On enlisting, "he left his wife and child in Connecticut, and it was twenty (?) years before they joined him in Canada, the son by that time a grown man. This son, Joshua Cornwall, I take to be the member elected to represent Essex county in the seventh parliament, 1817. Mr. Thaddeus Smith has given us more information of Mary Cornwall McCormick than of her father. Her husband died in 1840, and she survived him fifty-one years, dying in 1891, but little short of 99 years of age. "She had good executive ability and great influence for good upon those she came in contact with. Her mind was a wonderful storehouse of knowledge of the incidents and history of the early times, much of which was within her personal experience."

An old record book of "The Two Connected Townships" preserved in the Crown Lands Dept., Toronto, gives the names of the grantees of the 97 lots, John Cornwall is entered as a private of Butler's Rangers. Then follows this note: "The Board told Cornwall that if he could find an unclaimed few lots together, they would consent to his getting them for himself and family and so dispose of his improvements on his lot." Thaddeus Smith states that he lived near Sandwich. The above note may help to reconcile statements as to his location.

#### MEMBERS OF FIRST LEGISLATURE.

Since the appearance of my paper of last year dealing with the members of the first legislature I have been enabled to procure notes of three members that were somewhat briefly referred to, namely: Isaac Swayzie, member for 3rd Lincoln, Francis Baby, one of the members for Kent and Parshall Terry, member for Lincoln and Norfolk.

*Isaac Swayzie.*—The following notes as to Isaac Swayzie, member for 3rd Lincoln in the first legislature (1792-1796), have been furnished by Mr. Benjamin E. Swayzie, barrister, of Toronto, great-grandson of Israel Swayzie, the first settler at Beaver Dams, and first cousin of Isaac Swayzie:

Samuel Swayzie from Southold, Long Island, was the progenitor of the New Jersey family. He was born at Southold, 20th March, 1689. He removed to Roxbury, N.J., in 1737, and resided there till his death, 11th May, 1759. His fifth and youngest son was Caleb. Three of the sons of Caleb came to Canada at the end of the war, and three others later on.

1. Isaac, who settled on the Niagara river.
2. Caleb, Jr. (born 27th March, 1772; died 15th June, 1858), who was buried in the old Beaverdams cemetery. He was grandfather of W. D. Swayzie, of Dunnville.
3. Richard (born 5th February, 1775; died 12th January, 1863), who settled near Beaverdams and was the father of the Swayzie families of Haldimand county.

Three other children came to Upper Canada later, namely:

4. Samuel, came to Canada in 1805, and settled at Allanburg.
5. Susan married — Sharp, and settled at Ancaster, where she died, aged 104 years.
6. Elizabeth, who married — Cooper, and lived near Niagara Falls.

Lt.-Col. Isaac Swayzie, described in the official list of U. E. Loyalists, as the "Pilot to the New York Army," made his home at Niagara and appears to have been more or less engaged in active service during the whole of the Civil War, at one time commanding a small fort in New York State. Early in the war, he and a number of unarmed men were occupying an old log house, when a party of armed Whigs suddenly surrounded the place. Knowing that he was the person wanted, he, Isaac, was concealed beneath the floor of the dwelling. The Americans searched the place, and on not finding him, they became enraged and bayoneted his unarmed brother to death. Isaac was lying immediately under the place where his brother was killed and was completely saturated with his blood, eventually escaping by slipping through the guard. Naturally a man of extreme views, this incident so preyed upon his mind that his one object in living seemed to be to do the greatest possible injury to the Americans. He was captured several times, but always succeeded in making his escape, the last time with the assistance of his wife, who shortly afterwards fell a victim either to the savagery of the Indians of New York State, or to the over zeal of some of the "Sons of Liberty." The death of his wife had the effect of increasing his bitterness towards the Whig or Revolutionary party, and he then declared that he would never make peace with them, and apparently they never made peace with him. When the American forces were first encamped on the Swayzie farms near the Beaverdams, they respected property, and left the people in possession of their dwellings. True, they took whatever they wanted,

but they paid cash for whatever was taken by them. Not so with the property of Isaac, they turned his home into a barracks for their men, destroyed his crops and buildings, and did not leave as much as a rail of his fences unburned.

Early in the war Isaac was arrested and imprisoned in the old log jail at Andover, Sussex county, N.J. Provisions were supplied to him by his family, and in a baked loaf his sister concealed a key by which he managed to gain his release. He made his way to New York city and joined the British army, becoming "Pilot of the New York Army."

As mentioned in my previous paper, Col. Isaac Swayzie was the originator of the well-known apple named "Swayzie Pomme Gris." He was the pioneer nurseryman of the Niagara district and carried trees on his back to Beavertams, where they are still growing on the old Israel Swayzie homestead between The Cross Roads and St. John's West.

According to tradition Isaac was married before coming to Canada, but lost his wife through the terrible doings of the war. He was imprisoned; his wife visited him; they exchanged clothes; he escaped; she was put to death. His second marriage with Sarah Secord, and his third marriage with Elenor Ferris are referred to in my previous paper.

During the Revolutionary war Isaac Swayzie made his name a terror to the enemy, and for years his deeds were the subject of fireside recital in New Jersey. He was distinguished also in the war of 1812-14 as he commanded a corps of fifty men variously known as "The Royal Artillery Drivers," "Swayzie's Militia Artillery," and "The Lincoln Militia Artillery." For his services he received a land grant in East Nissouri, Oxford county.

He sat in the Legislative Assembly of Upper Canada as follows:

1st Parliament (1792 to 1796) for 3rd Lincoln.

3rd Parliament (1801 to 1804) for 2nd, 3rd and 4th Lincoln.

4th Parliament (1805 to 1808) for 2nd, 3rd and 4th Lincoln.

6th Parliament (1812 to 1816) for 4th Lincoln.

7th Parliament (1816 to 1820) for 4th Lincoln.

The following notice appeared in *The Gleaner and Niagara Newspaper* of the 18th February, 1828:

"DIED.—At his place of residence near this Town on the 11th instant, Isaac Swayzie, Esq., aged 77 years. Mr. S. was a native of New Jersey. In the general defection of the inhabitants of that Colony at the commencement of the Rebellion that ended in the independence of the now United States he remained true to his King and Country and was persecuted and suffered much by imprisonment and otherwise

as was usual in such cases. He at length escaped into the British lines, we believe, at New York.

“He was actively employed in His Majesty’s service till the peace of 1783. He afterwards came into this part of the country where he has resided ever since. Mr. Swayzie has been frequently chosen as a representative in our Commons House of Parliament. A number of years ago he was appointed Collector of the Internal Duties of the District, which duties he faithfully performed with much forbearance to the people from whom moneys were to be received frequently to his own loss.”

Francis Baby, member of the First Legislative Assembly for Kent (1792-1796), along with William Macomb, of Detroit, was the ninth child of Hon. Jacques Duperon Baby, the pioneer French Canadian trader at Detroit. He married (9th September, 1795) Frances Abbott, daughter of James Abbott, a British officer, who came to America at the time of the Revolutionary War. James Abbott was a native of Dublin, who came to America, settled first at Albany, and later moved to Detroit where he engaged in the fur trade, having branch houses at Vincennes, Indiana, and other places. His brother, Edward Abbott, was Governor of Vincennes at the time of the Revolution. Among the children of James Abbott were James, judge at Detroit; Mary, wife of Sheriff Hands, of Sandwich, and mother of Mrs. Jean Baptiste Baby; Frances, wife of Francois or Francis Baby, and Elizabeth, wife of Hon. James Baby. Judge James Abbott, just mentioned, married Sarah Whistler, aunt of Whistler, the artist.

Mr. Duncan Dougall, of Windsor, has kindly sent me the following notes in regard to his grandfather, Francis Baby:

“Francois Baby had amongst other lands over 1,000 acres of land in Windsor and Sandwich West, being two farms in width in the present city of Windsor, and running back through three deep concessions, according to the French survey. The original deeds from the French Crown described the lands as running to the centre of the Detroit river, but when the British Patents were issued they were only from the channel bank of the river. Francois Baby was appointed lieutenant of the Western district, which included the counties of Essex, Kent and Lambton, and as such, exercised a sort of governorship similar to the lieutenants of the counties of England.

“He lived in a feudal sort of way and was very proud and, I might say, arrogant. As I remember him when I was a boy 10 years of age, he was a tall man, over six feet high and very straight, with a deep bass voice. I do not think he was in any business, but lived on his money and what was raised on the cleared portions of his estate. He was M.P.P. and was defeated by Col. John Prince.

"The dwelling house in which he lived for very many years before his death is still standing. It was built with a large lawn in front and facing the front on Sandwich Street and the river, but has now been turned into a double house and faces the back street, now Pitt Street. He was very fond of horses, and always kept good ones, and thought nothing of driving down to Quebec and Montreal in his sleigh. On one occasion, when my grandmother was ill, he wanted a Detroit physician, and drove to Detroit on the ice. When he started the ice had shoved and was moving down the river, but this did not daunt him. He started across the river, jumping his horse and cutter from one cake of ice to another, and succeeded in landing in Windsor safely. He drove a covered caleche in summer when making long trips and when he came down to visit us at Rosebank, my father's residence (near Amherstburg), which he frequently did, he would usually start for home, a drive of 18 miles, about nine or ten o'clock at night, preferring to make the journey through the night.

"The Battle of Windsor (1837) was fought in the orchard of Francois Baby.

"Jacques Duperon Baby was very friendly with the Indians who deeded to him the large tracts of lands. One tract, just below Detroit on the River Rouge, another above Detroit on Lake St. Clair between that city and Mt. Clemens, and another tract, the largest of all, was 30 miles square on Lake Huron and the River St. Clair. Port Huron and many other towns and villages are now built upon parts of it. After the Declaration of Independence the Babys sided with British and came back to Canada to live, and the land was all forfeited."

The father, Jacques Duperon Baby, lived on a farm where Windsor now stands, and to this home Francis succeeded. Jean Baptiste lived at Sandwich, and Hon. James Baby lived on a farm further east, near Chatham.

Francis Baby was born 7th December, 1763, and died 24th November, 1856; his wife, Frances, died in 1838, aged about 59. There were twelve children.

1. Francis (born 1796, drowned 1828), father of F. R. Baby, of New York, and of Albert F. Baby, of Cameron, Minn.
2. James (born 1798), married Elizabeth Henderson.
3. Elizabeth (born 1800), married Pierre Paul Lacroix.
4. Edmund (born 1803), married Francoise Agatha Arket.
5. Anne (born 1805), married William L. Baby.
6. Emily (born 1807), married Dr. Albert K. Dewson.
7. Henry (died young).
8. Antoine Raymond (born 1811), father of Raymond Baby, banker, of Chatham, now of Windsor.



9. Susanne (born 1814), married James Dougall, of Windsor.
10. Charles Jean (born and died 1816).
11. Alfred (born 1817).
12. Thaddeus (born 1820).

*Parshall Terry*: The name — Young, as one of the members of the First Legislature, had, for many years, puzzled me, and I was unable to locate the man or his riding until the finding of *The Quebec Magazine* for December, 1792, by Mr. Phileas Gagnon, referred to in my previous paper, set me on the track. The correct name was Parshall Terry. A careless writing of the name "Terry" by Dr. William Canniff, or by some one for him, led him or the compositor to read it "Young," and so it was printed. Subsequent writers followed the wrong name, and the mistake thus came into many books and pamphlets. I got the correction last year just in time to insert it in the final proof, but too late to add any notes.

References to Parshall Terry will be found in the three volumes of "Landmarks of Toronto," by Mr. John Ross Robertson, as follows: Vol. 1, p. 427; Vol. 2, p. 994; Vol. 3, p. 297. He was the only member of his family who sided with the British. He belonged to Butler's Rangers and settled at first at Niagara. He followed Simcoe and the troops to York and settled in the Don Valley. His neighbours were the Eastwood, Skinner and Helliwell families. Terry built mills at the head of Broadview avenue. He married Rhoda Skinner, and had five daughters who married the following persons: Edward William Thomson of Toronto Township, George Thomson of Scarboro, Dr. Lee Loudon, Lt.-Col. Farquharson, and James Cornell of Scarboro. The last of his family died in 1875. After his death his widow married William Cornell. She lived to a great age. Parshall Terry was drowned in July, 1808, while attempting to cross the Don. His pioneer mill on the Don was succeeded by the old paper mill which stood near the bridge that yet carries across the river the old mill road.

#### ADDENDUM.

*Place of Meeting*: The mistake has been made more than once of referring one of the sessions of the Second Legislature to Newark or Niagara. There appears to be no doubt whatever as to the places of meeting of the various sessions 1792-1800. The five sessions of the First House were all held at Newark, and the four sessions of the Second House were all held at York. The typewritten copies of the journals, and the earliest printed statutes, confirm this. The little settlement on the west or left bank of the river was variously known as Niagara, West

Niagara, Butlersburg, Lenox, Nassau and Newark. The official name was Newark at the time of the sessions of the First Legislature. Lt.-Gov. Simcoe himself in his proclamation of July, 1792, named the township Newark, after Newark in Lincolnshire, England. Section 12, chapter 8, of the 1792 statutes provided for the erection of a gaol at the "Town of Newark," and section 3 of chapter 6 of the statutes of 1793, provided for sittings of the sessions of the Peace for the Home district at "Newark." The Lieutenant-Governor's proclamations and his announcements, as a rule, were dated from "Navy Hall" or "Council Room, Navy Hall," as though the little group of buildings near the wharf, containing the provincial executive offices, were a place apart from the people's settlement of Niagara or Newark.

The first volume of Upper Canada statutes now available contains the statutes-at-large from 1792 to 1804 inclusive, paged consecutively, set up without break, but bearing on the title page "York, 1802." This date may have been a typographical error, or there may have been an earlier volume printed in 1802, and in the volume 1792-1804, the printer may have repeated the former title page. After the year 1804 the statutes were printed yearly, and our largest libraries contain bound volumes that are made up of statutes of the various years: thus at Osgoode Hall, Toronto, is the compilation 1792-1804 with the title page dated 1802; and in the Ontario Legislative Library are two volumes, one with the statutes for 1805, 1806, 1807 and 1808, bound up with the 1792-1804 collection, and the other having, in addition to the above, the statutes for 1810 and 1811, together with the Imperial statutes affecting Canada from 1774 to 1791.

In the volume 1792-1804 the numbering of the sessions is correctly given, except in nine headlines where fourth appears instead of third, but in the volume printed at York in 1818, there is a curious mistake that may mislead some writers. The volume is entitled "The Provincial Statutes Revised, Corrected and Reprinted by Authority, York, 1818." The first, second, third and fourth sessions of the First Parliament are correctly numbered. Then the fifth of the First is called the First of the Second, and so on until we have the fourth session of the Third in 1803, followed by the fourth session of the Third in 1804. The compiler allowed the mistake to stand for the sessions of 1797 to 1803 inclusive. It may be that the pages had already been run off the press when the mistake was corrected in 1804. Type was limited, no doubt, and paper was scarce. The printers' mistake occurred through the fact that there were five sessions during the four years 1792-1796. Thompson and Macfarlane corrected this mistake as to the numbering when they issued their revision of statutes at Kingston in 1831.

In both the York and the Kingston issues the statutes of 1792 and 1793, are stated to have been passed at Niagara, but, as stated above, the typewritten journals are dated at Newark.

Mr. Thomas Langton, K.C., of Toronto, in connection with this matter, has called my attention to the following extract from "The Travels of Isaac Weld (Vol. 2, pp. 87, 88, third edition, 1800), under date of September, 1796. It will be an interesting addition to the history of the little town that was the meeting place of our First Legislature, a place that has enjoyed so many names, its latest, that of "Niagara-on-the-Lake," having been given to its post office in March, 1903:

"On the eastern side of the river is situated the fort, now in the possession of the people of the States, and on the opposite or British side a town most generally known by the name of Niagara, notwithstanding that it has been named Newark by the Legislature. The original name of the town was Niagara; it was afterwards called Lenox, then Nassau, and afterward Newark. It is to be lamented that the Indian names so grand and sonorous should ever have been changed for others. Newark, Kingston, York are poor substitutes for the original names of their respective places—Niagara, Catarqui, Toronto. The town of Niagara hitherto has been and still is the capital of the Province of Upper Canada. Orders, however, had been issued before our arrival there for the removal of the seat of Government from thence to Toronto, which was deemed a more eligible spot for the meeting of the legislative bodies as being further removed from the frontier of the United States."

Students of Canadian history will find interesting supplements to this paper and to that of 1902 in *The Transactions of the Canadian Institute*, April, 1892, Vol. II, Part 2. "The Administration of Lieut.-Governor Simcoe viewed in his Official Correspondence," by Ernest Cruikshank.

And in No. 2, Vol. II of *University of Toronto Studies, History and Economics*; "Municipal Government in Ontario," by Prof. Adam Shortt.

In *The Globe* of 24th October, 1903, will be found a very full and authoritative discussion of the question as to where Parliament first met, by Miss Janet Carnochan, president of the Niagara Historical Society.

The D. W. Smith election letter referred to on page 158, has just been printed in Transaction No. 4 of the Women's Canadian Historical Society of Toronto (1903).

LIST OF MEMBERS OF FIRST AND SECOND LEGISLATURES OF UPPER CANADA —  
1792-1796 and 1796-1800.

Glengarry, 1st Riding,	{ 1792-1796, Hugh Macdonell. 1796-1800, Richard Wilkinson.
Glengarry, 2nd Riding,	{ 1792-1796, John Macdonell. 1796-1800, John Macdonell.
Stormont,	{ 1792-1796, Jeremiah French. 1796-1800, Robert I. D. Gray.
Dundas,	{ 1792- Alexander Campbell. 1796-1800, Thomas Fraser.
Grenville,	{ 1792-1796, Ephraim Jones. 1796-1800, Edward Jessup.
Leeds and Frontenac,	{ 1792-1796, John White. 1796-1800, Solomon Jones.
Addington and Ontario,	{ 1792-1796, Joshua Booth. 1796-1798, Christopher Robinson. 1799-1800, William Fairfield.
Prince Edward and Adolphustown,	{ 1792 Philip Dorland. 1793-1796, Peter Vanalstine. 1796-1800, David McGregor Rogers.
Lenox, Hastings and Northumberland,	{ 1792-1796, Hazelton Spencer. 1796-1800, Timothy Thompson.
Durham, York and 1st Lincoln,	{ 1792-1796, Nathaniel Pettit. 1796-1800, Richard Beasley.
2nd Lincoln,	{ 1792-1796, Benjamin Pawling. 1796-1800, David Wm. Smith.
3rd Lincoln,	{ 1792-1796, Isaac Swayzie. 1796-1800, Samuel Street.
4th Lincoln and Norfolk,	{ 1792-1796, Parshall Terry. 1796-1800, Benjamin Hardison.
Essex and Suffolk,	{ 1792-1796, David Wm. Smith. 1796-1800, John Cornwall.
Kent (Two Members),	{ 1792-1796, { William Macomb and Francis Baby. 1796-1800, { Thomas Smith and Thomas McKee.